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VIA ELECTRONIC FILING

Honorable Bernard Zimmerman
U.S. District Court
Northern District of California
450 Golden Gate
San Francisco, CA 94102

Re: *TheraSense, et al. v. Becton Dickinson and Co., Case No. C04-2123 MJJ*
TheraSense, et al. v. Nova Biomedical Corp., Case No. C04-03732 MJJ
Becton Dickinson and Co. v. TheraSense, et al., Case No. C04-3327 MJJ

Dear Judge Zimmerman:

The parties submit this joint letter requesting a continuance of dates to file motions to compel on certain discovery disputes raised during our November 29, 2005 phone conference with Your Honor.

In the November 29, 2005 phone conference, the Court indicated that it would accept motions to compel on the discovery issues before it. The Court then set a briefing schedule for the motions after the first Markman hearing in this case, which was originally scheduled for December 14, 2005. Accordingly, the Court had asked for opening briefs on the motions to compel today, opposition briefs on January 13, 2006, reply briefs on January 20, 2006, and a hearing on February 1, 2006.

The Markman hearing has been continued and no new hearing date has yet been set. The parties respectfully request a continuance of the briefing schedule and hearing date for the discovery motions discussed in our November 29, 2005 phone conference until 30 days after the Markman hearing takes place.

Respectfully submitted,

Sona De

cc: James W. Cannon, Jr., Esq. (by e-mail)

